

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANICE GUNN CARTER,

Plaintiff,

Case No. 19-cv-12102
Hon. Matthew F. Leitman

v.

TITUS BIGELOW,

Defendant.

**ORDER (1) VACATING ORDER TO SHOW CAUSE (ECF No. 4) AND (2)
DISMISSING COMPLAINT (ECF No. 1) WITHOUT PREJUDICE**

On July 29, 2019, Plaintiff Janice Gunn Carter filed this action against Defendant Titus Bigelow. (*See* Compl., ECF No. 1.) In the Complaint, Carter appears to allege that Bigelow committed fraud with respect to a home Carter owns in Detroit. (*See id.*)

On November 7, 2019, the Court entered an order to show cause in which it directed Carter to show cause, in writing, why the Court should not dismiss her Complaint without prejudice. (*See* Order, ECF No. 4.) The Court explained to Carter that federal courts are courts of limited jurisdiction, and it told her that it did not appear that she had pleaded facts sufficient to support this Court's subject-matter jurisdiction over her claims. (*See id.*) The Court told Carter that "[i]f [she did] not file a response to [the show cause order] with the Clerk of the Court ... **December**

6, 2019, the Court [would] dismiss her Complaint without prejudice for lack of jurisdiction.” (*Id.*, PageID.15.)

Carter has not filed any response to the show cause order. Nor has she provided the Court any basis to conclude that it has subject-matter jurisdiction over claims. Indeed, as the Court wrote in the show cause order:

With respect to “federal question jurisdiction,” Carter does not allege in her Complaint that Bigelow violated any federal laws or constitutional provisions. Nor does she provide any other basis in the Complaint for the Court to conclude that this case arises under federal, as opposed to state, law.

Carter has also failed to plead the existence of “diversity jurisdiction.” To properly plead “diversity jurisdiction,” Carter must plead that she and Bigelow are citizens of different states and that the amount in controversy exceeds \$75,000.00. Here, Carter has not identified Bigelow’s citizenship, and it appears that both Carter and Bigelow may be citizens of the State of Michigan. If, as it appears, Carter and Bigelow are both Michigan citizens, diversity jurisdiction cannot exist. *See* 28 U.S.C. § 1332. Likewise, Carter has not clearly alleged that the amount in controversy exceeds \$75,000.00, and without such an allegation, the Court lacks diversity jurisdiction.

(*Id.*, PageID.14.)

Accordingly, because Carter has failed to plead sufficient facts to establish this Court’s subject-matter jurisdiction, and because Carter has failed to respond to the Court’s show cause order, the Court’s order to show cause (ECF No. 4) is

VACATED and Carter's Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 3, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 3, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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